REGULATION No. II OF 1890.

(PASSED ON THE 13TH DAY OF JUNE 1890.)

A Regulation to amend the Mysore Chief Court Regulation, I of 1884.

WHEREAS it is expedient to amend the Mysore Chief Court Regulation, 1884, in certain respects, His Highness the Maharaja is pleased to enact that the following shall be substituted for sections 12, 13, 14, 15 and 16 of the said Regulation :—

Ordinary original civil and criminal jurisdiction of Chief Court.

"12. (1) The Government of Mysore may, whenever it deems fit, confer upon the Chief Court, by notification in the official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the said Government may, from time to time, declare and appoint in that behalf.

"(2) The said Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the Chief Court under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

"(3) The local limits within which ordinary original civil jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure.

"(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the Chief Court under this section shall be deemed to be a Sessions Division within the meaning of the Code of Criminal Procedure.

"(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under "The Mysore Civil Courts Regulation, 1883."

"(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the Chief Court under section 12, the Chief Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure."

Appeals, &c. from decisions of Chief Court in exercise of original jurisdiction.

"13. Appeals against, references regarding, and applications for revision of, judgments, decrees, orders, or sentences passed by a Judge of the Chief Court, in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12, or vested in it under any law for the time being in force, shall, when allowed by law, be heard either by a Bench consisting of two other Judges of the Chief Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the official Gazette, from time to time, direct. When there arises a difference of opinion between the two Judges composing a Bench hearing any appeal, reference or application under this section, the decision shall, notwithstanding anything contained in section 15 of this Regulation, or section 575 of the Code of Civil Procedure, or section 429 of the Code of Criminal Procedure, follow the original judgment, decree, order or sentence."

Chief Court's jurisdiction to hear and decide appeals from judgments, &c., of subordinate Courts.

"14. (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the said Government may from time to time declare and appoint, confer upon the Chief Court, by notification published in the official Gazette, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, fromjudgments, orders, decrees, or sentences, passed by any subordinate Court, civil or criminal, within the local limits aforesaid.

"(2). During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the Chief Court shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily vest, except as regards cases of appeals which may be transferred by the Chief Court for hearing and disposal by such District Court or Court of Session.

"(3) The Government of Mysore may, whenever it deems fit, by notification published in the official Gazette, withdraw any appellate jurisdiction conferred upon the Chief Court under this section."

Appeals other than those under section 13 to be heard by a Bench of Judges.

"15. (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the Chief Court under any law for the time being in force, as well as all cases referred to the Chief Court for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court.

"(2) Any Bench of Judges of the Chief Court may refer to a full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility

of any evidence in any proceeding pending before it, on which there is no further appeal under the law for the time being in force.

"(3) The decision of the majority of Judges comprising any Full Bench of the Chief Court or other Bench of the said Court consisting of not less than three Judges shall be the decision of the Chief Court. When a Bench of the Chief Court consists of only two Judges and there is a difference of opinion between such Judges on any material question pending before it, such question shall be referred to a Full Bench, and the decision of the majority of Judges on such Full Bench, shall be the decision of the Chief Court."

Power of Chief Court to transfer cases pending before it.

"16. The Chief Court may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Regulation."